

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KPM ANALYTICS NORTH AMERICA
CORPORATION,

Plaintiff,

v.

BLUE SUN SCIENTIFIC, LLC, THE
INNOVATIVE TECHNOLOGIES GROUP
& CO., LTD., ARNOLD EILERT,
MICHELLE GAJEWSKI, ROBERT
GAJEWSKI, RACHAEL GLENISTER,
GREGORY ISRAELSON, IRVIN LUCAS,
AND PHILIP OSSOWSKI,

Defendants.

Civil Action No. 4:21-CV-10572-LTS

**PLAINTIFF KPM ANALYTICS NORTH AMERICA CORPORATION’S ASSENTED
TO MOTION TO IMPOUND AND FOR LEAVE TO FILE DOCUMENTS UNDER SEAL
IN RESPONSE TO DEFENDANTS’ MOTION TO DISSOLVE
OR MODIFY THE PRELIMINARY INJUNCTION**

Plaintiff KPM Analytics North America Corporation (“KPM”) respectfully requests that the Court grant leave to file under seal the information and documents containing confidential and highly confidential material that KPM intends to file on September 19, 2022 in support of its opposition to Defendants’ Motion to Dissolve or Modify the Preliminary Injunction (Doc. No. 148) and the Memorandum in Support thereof, which has been filed under seal (collectively the “Motion to Dissolve”). In support of this motion, KPM states as follows:

1. On August 24, 2022, the Defendants filed their Motion to Dissolve under seal after receiving leave from Court to do so.

2. On September 2, 2022, this Court granted the Assented to Motion for Extension of Time to file a response to the Motion to Dissolve until September 19, 2022.

3. On September 19, 2022, when the response to the Motion to Dissolve is due, KPM intends to file an opposition that will include information and exhibits which contain information designated by the parties as Confidential and Highly Confidential – Attorneys’ Eyes Only pursuant to the Stipulated Protective Order entered in this case (Doc. No. 59).

4. The Stipulated Protective Order in this matter provides that “[w]ithout written permission from the Designating Party or a court order secured after appropriate notice to all interested persons, a Party may not file in the public record in this action any Protected Material but may file Protected Material under seal in accordance with the rules of the Court.” Protected Material includes material designated confidential and highly confidential.

5. No party has agreed to remove the confidential and highly confidential designations for the material and information that KPM intends to include and reference in its opposition.

6. KPM conferred with counsel for Defendants, who assented to the relief requested in this motion.

WHEREFORE, KPM respectfully requests that the Court allow KPM to file under seal its opposition and exhibits which contain confidential and highly confidential material in response to Defendants’ Motion to Dissolve or Modify the Preliminary Injunction.

KPM Analytics North America Corporation,

By its attorneys,

/s/ John T. Gutkoski

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September 15, 2022

Certificate of Compliance with Local Rule 7.1

This hereby certifies that, on September 14, 2022, counsel for Plaintiff conferred with counsel for each of the Defendants, who assented to the relief requested in this motion.

/s/ Paige K. Zacharakis

Paige K. Zacharakis

Certificate of Service

This hereby certifies that on September 15, 2022, this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Paige K. Zacharakis

Paige K. Zacharakis